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6 Attorneys for Defendants
 ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT
 and MARIBEL GUIZAR-MAITA
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 ROMULO RIMANDO,

12 Plaintiff,

13 v.

14 ALUM ROCK UNION ELEMENTARY
 SCHOOL DISTRICT, MARIBEL GUIZAR-
 15 MAITA, INDIVIDUALLY,

16 Defendants.
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CASE NO. 5:08-cv-01874-JF

**[PROPOSED] ORDER ON DEFENDANTS'
 MOTION TO DISMISS**

DATE: September 19, 2008
 TIME: 9:00 a.m.
 ROOM: 4, 5th Floor
 TRIAL: None Set

19 The Motion of Defendants Alum Rock Union Elementary School District ("District") and Maribel
 20 Guizar-Maita ("Guizar-Maita") to dismiss all or certain of Plaintiff Romulo Rimando's claims for relief
 21 in his Complaint came on regularly for hearing before this Court on September 19, 2008, at 9:00 a.m., in
 22 Courtroom number 4, 5th floor, and Lozano Smith by Sloan R. Simmons, Esq., appeared and argued on
 23 behalf of Defendants, and George C. Aucoin, Esq., appeared and argued on behalf of Plaintiff.

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1 After considering the moving, opposition, and reply papers, arguments of counsel and all other
 2 matters presented to the Court, IT IS HEREBY ORDERED THAT the motion is GRANTED and
 3 [Plaintiff's claims under the federal Uniformed Services Employment and Reemployment Act of 1994
 4 ("USERRA") and Plaintiff's supplemental state law claims under the California Military and Veterans
 5 Code are dismissed based on the lack of subject matter jurisdiction over Plaintiff's USERRA claims];
 6 [each of Plaintiff's USERRA claims are dismissed, as well as Plaintiff's state law claims against the
 7 District, on the basis of immunity under the Eleventh Amendment of the United States Constitution];
 8 [Plaintiff's USERRA claims are dismissed on the basis of Eleventh Amendment immunity, and this
 9 Court, in its discretion, dismisses Plaintiffs's supplemental state law claims]; [Plaintiff's claims for relief
 10 under the California Military and Veterans Code, against the District and Guizar-Maita, are dismissed
 11 for failure to plead compliance and/or actually comply with the California Government Tort Claims Act
 12 claim presentation requirements].

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 14 Dated: _____, 2008

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 JERMEY FOGEL
 United States District Judge

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